

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

JOHN C. DEMATOS, et al	)	
<i>Plaintiffs</i>	)	
	)	
Vs.	)	CIVIL ACTION NO.: 05-10372
	)	
MARSHALL S. HAZARD, et al	)	
<i>Defendants</i>	)	
	)	

**MOTION TO CONTINUE THE ALTERNATIVE DISPUTE  
RESOLUTION HEARING  
(ASSENTED TO)**

The defendant, Marshall S. Hazard, et al, with the assent of the plaintiff, John C. DeMatos et al, hereby respectfully request that this Honorable Court continue the alternative dispute resolution hearing until December 1, 2005. The alternative dispute resolution hearing is currently scheduled for October 11, 2005, before the Honorable Magistrate Judge Charles B. Swartwood.

The additional time requested will allow for the scheduling of an independent medical examination of the plaintiff, John C. DeMatos. Both parties wish to have the plaintiff examined in order to assess the plaintiff's alleged medical condition. Although the deposition of the plaintiff, John C. DeMatos, was originally noticed by the defendant and scheduled for June 9, 2005, the plaintiff's deposition was not conducted until September 30, 2005.

Pursuant to the Report of Parties' Planning Meeting dated April 25, 2005, discovery must be completed by December 31, 2005. The parties are requesting a continuance until December 1, 2005. The examination of the plaintiff, John C. DeMatos, will assist both parties in preparing their case and in potential settlement negotiations. It

will additionally properly prepare the parties for the alternative dispute resolution hearing.

Accordingly, the defendant, Marshall S. Hazard et al, with the assent of the plaintiff, John C. DeMatos et al, request that this Honorable Court continue the alternative dispute resolution hearing until December 1, 2005.

By Their Attorneys,

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